

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 JEFFREY SCOTT ZIEGLER,

11 Petitioner,

12 v.

13 RON HAYES,

14 Respondent.

Case No. C18-5511-RJB-TLF

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

15 The Court, having reviewed the report and recommendation, the petition for writ of  
16 federal *habeas corpus* relief, objections to the Report and Recommendation, if any, and the  
17 remaining record, does hereby find and ORDER:

- 18 (1) The Court adopts the Report and Recommendation.
- 19 (2) Petitioner's 28 U.S.C. § 2254 petition (Dkt. 1-1) is **DISMISSED WITHOUT  
PREJUDICE**.
- 20 (3) Petitioner's application to proceed *in forma pauperis* (Dkt. 1) is denied as moot.
- 21 (4) The Clerk is directed to send, to petitioner, copies of the Ninth Circuit Court of  
22 Appeals Form 12 –Application for Leave to File Second or Successive Petition  
23 Under 28 U.S.C. § 2254 or Motion Under 28 U.S.C. § 2255 and a copy of Ninth  
24 Circuit Rule 22-3.
- 25 (5) The Clerk is also directed to send copies of this Order to petitioner.

1 Dated this 19<sup>th</sup> day of November 2018.

2 

3  
4 ROBERT J. BRYAN  
United States District Judge